ARGUMENT

In that action the Examiner has sustained the rejection of Claims 1-9 as unpatentable over *Golding et al.*, United States Patent Number 5,265,163 in view of Frisch Essential System Administration second edition (hereinafter referred to as "*Frisch*"). That rejection is once again respectfully traversed.

As noted in Applicant's previous response *Golding et al.* teach a computer system having a power-on password stored in non-volatile memory where an entry of the power-on password by a system manager permits access to all of the computer functions. *Golding et al.* fails to teach a variable security profile wherein the variable security profile is automatically generated when the system in turned on. Further, *Golding et al.* failed to teach a variable security profile which specifies a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week; and, a security level authorization of the user.

In addressing these deficiencies the Examiner cites *Frisch* for its alleged teaching of a variable security profile which specifies a variable number of unsuccessful password attempts based upon the security level of the user.

In responding to the Examiner's rejection in the previous submission Applicants' note that *Frisch* teaches a security profile which allows or denies use of the personal computer based upon the users security profile and that the present claims specifically require that the variable security profile of the present invention specify "a variable number of unsuccessful power-on password attempts permitted based upon at least one other factor chosen from time of day and day of week...". This express recitation within the claims is based upon the Applicant's recognition that computers bear a greater risk of security breaches at certain times than at others. For example, at night or on week-ends within an office environment, as set forth in the present specification at page 4, lines 6-11.

Upon considering Applicant's arguments the Examiner notes in paragraph five of the present action that the features upon which Applicant relies "user having access to the system at anytime of the day or on each day but which varies the number of unsuccessful power-on password attempts--implied in applicant's argument is that the number of allowable power-on password attempts is always at least one" are not recited in the rejected claim(s).

The Examiner notes a belief that *Golding et al.* teach a power-on password and that the feature of a variable number of unsuccessful password attempts permitted based upon at least one other factor chosen from time of day and day of week is clearly taught by *Frisch*, at pages 224-225 wherein *Frisch* teaches limiting user access to certain days and/or times of day, noting a belief that "the number of unsuccessful power-on password attempts permitted is zero, since the user is not allowed access...".

Applicant respectfully urges the Examiner to consider that nothing within *Frisch* limits the number of unsuccessful password attempts which are permitted. *Frisch* denies access of a user to the computer under certain conditions and at certain times of the day; however, the user may sit at the computer of *Frisch* and continually generate unsuccessful power-on password attempts without incurring any action on the part of the system.

In contrast the express language within the claims of the present application requires that the number of unsuccessful password attempts be limited under certain conditions. Applicant urges the Examiner to consider that a careful and fair reading of *Frisch* leads to the inescapable conclusion that nothing within that system limits the number of unsuccessful password attempts. The mere fact that a user may not be permitted to log into a computer during a particular time period cannot by any stretch of the imagination be interpreted to infer a limited number of unsuccessful attempts which would be permitted during that time period and the Examiner's attempt to interpret *Frisch* in this manner is not believed to be well founded. Consequently, Applicant urges that the Examiner rejection of Claims 1-9 over this combination of references is not appropriate and that this rejection would not be sustained upon reference to the Board of Patent Appeals and Interferences.

The Examiner has also rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over *Golding et al.* in view of *Frisch*, as applied above and further in view of *Schmidt*, United States Patent Number 5,912,621. That rejection is also respectfully traversed.

The Examiner cites *Schmidt* for its teaching of a computer system which is responsive to removal of its physical encasement; however, nothing within *Schmidt* shows or suggests the specification of a variable number of unsuccessful power-on password attempts which are permitted based upon time of day or day of week as set forth within Claim 7, from which Claim 10 indirectly depends. Consequently, for this reason and the reasons set forth above Applicant urges that this rejection is not well founded and its withdrawal is respectfully requested.
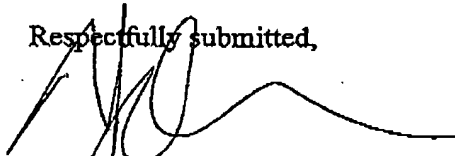
CONCLUSION

Each of the claims in the present application is directed to the concept of a variable security profile which is automatically generated when a system is turned on which specifies:

1. a variable number of unsuccessful power-on password attempts which are permitted based upon: the time of day; and the day of week; and

2. the security level of authorization of the user.

The references cited by the Examiner indeed teach allowing or denying use of a computer based upon a security level of authorization of the user and the denial of the use of that computer by a particular user during a particular period of time; however, nothing within the references cited by the Examiner shows or suggests a limitation to the number of unsuccessful power-on password attempts which are permitted based upon the time of day and the day of the week as set forth expressly within the present claims. Consequently, Applicant urges that Claims 1-10 define patentable subject matter and allowance of this Applicant is respectfully requested.

No additional fees are believed to be necessary, however, in the event that any additional fees are required, please charge those fees and any other required fees to **IBM Corporation Deposit Account Number 50-0563**. No extension of time is believed to be required; however, in the event an extension of time is required please consider the extension requested and charge those fees to **IBM Corporation Deposit Account Number 50-0563**.

Respectfully submitted,

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